

**ENVIRONMENTAL SERVICES COMMITTEE MEETING
TUESDAY 12 APRIL 2022**

Table of Recommendations

No	Item	Summary of key Recommendations
1.	Apologies	Alderman Robinson, Councillors Bateson and McGlinchey
2.	Declarations of Interest	Alderman Boyle in Trading Concessions – Breach of Contract & Working Group Recommendations. Councillor Hunter in Trading Concessions – Breach of Contract & Working Group Recommendations. Councillor MA McKillop in Trading Concessions – Breach of Contract & Working Group Recommendations.
3.	Minutes of Environmental Services Committee meeting held Tuesday 8 March 2022	Signed as a correct record.
4.	Entertainment Licensing Report	Approve
5.	Approval of Premises as Venue for Civil Marriage and Civil Partnership	Approve
6.	Memorandum of Understanding (MoU) between Department of Agriculture, Environment and Rural Affairs and Council regarding the certification of Products of Animal Origin and provision of support for official certification	To recommend that Council sign the above Memorandum of Understanding; that authority be given to the Head of Health and Built Environment to

No	Item	Summary of key Recommendations
		sign on behalf of Council
7.	Consideration of proposed Dog Control Order excluding dogs from lands	To recommend that Council defer consideration for one month to gather evidence and bring back to Committee.
8.	Festive Light Upgrade	<p>To recommend that Council approve Option 4.3 Upgrade lighting as per attached table over next 4 years but do not purchase and install artificial trees (retain natural trees).</p> <p>To recommend that Council retain the provision of trees to rural communities, where there is community involvement</p>
9.	Livesmart Community Environmental Grant Programme	to recommend that Council agrees the Community Environmental Grant Programme for the 2022-23 period with a budget of £10,500
10.	Amusement Permit Renewals	Information
11.	Approval of Premises as a Venue for Civil Marriage	Information
12.	Approval of Premises as a Venue for Civil Partnership	Information
13.	Cinema Licence Renewals	Information
14.	Entertainment Licence Renewals	Information

No	Item	Summary of key Recommendations
15.	Licences Issued Under Delegated Authority	<i>Information</i>
16.	Society Lottery Registrations	<i>Information</i>
17.	Petroleum Spirit Licence Renewals	<i>Information</i>
18.	Street Trading Licence Renewals	<i>Information</i>
19.	Building Regulations Fees Increase	<i>Information</i>
20.	Entertainment Licence Renewal Fees 2022-23 Update	<i>Information</i>
21.	Private Contractor Litter Enforcement Statistics (WISE)	<i>Information</i>
22.	Termination of Household Recycling Centre Online and Telephone Booking System	<i>Information</i>
23.	Update on Easter Weekend – Traffic Congestion Mitigation Measures	To recommend to Council that Community Rescue Service manage the overspill Car Park at West Bay for the Easter weekend period
24.	Correspondence	<i>None</i>
25.	Consultation Documents	<i>None</i>
26.	Conferences	<i>None</i>
27.	Matters for Reporting to Partnership Panel	<i>None</i>
28.	Any Other Relevant Business (notified in accordance with Standing Order 12 (o))	
28.1	Castle Street Toilets (Councillor Wallace)	<i>Information</i>
28.2	Bin survey in Cushendall (Councillor MA McKillop)	<i>Information</i>
28.3	Turnrobert Playpark maintenance (Councillor MA McKillop)	<i>Information</i>
	IN COMMITTEE (Items 29-32 inclusive)	
29.	Street Trading Application	to recommend that Council approve Option (b) refuse the application

No	Item	Summary of key Recommendations
30.	Trading Concessions – Breach of Contract & Working Group Recommendations	<p>To recommend that Council approve food and drink products to be sold at Limavady Play Park, Garvagh Mountain Bike trail head (pending approval by Forestry Service), Christie Park, Coleraine and Riverside Park, Ballymoney. Lansdowne Car Park was limited to selling Tea, Coffee, Tray Bakes and hot confectionary.</p> <p>To recommend that Council write to the trader, if the Licence is breached once more, the Licence will be automatically terminated.</p> <p>To recommend that Council receive Independent outside Legal Advice, explore how Council can resolve the issues, exploring the potential for variation of licences.</p>
31.	ES Financial Update - P11 Management Accounts	Information
32.	Any Other Relevant Business (notified in accordance with Standing Order 12 (o)) <i>In Committee</i>	
32.1	<i>Vendor trading illegally (Councillor Wallace)</i>	Information

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF
THE ENVIRONMENTAL SERVICES COMMITTEE
IN CIVIC HEADQUARTERS AND VIA VIDEO CONFERENCE, ON
TUESDAY 12 APRIL 2022 AT 7:00 PM**

In the Chair: Councillor Wilson (C)

Members Present: Alderman Boyle (R), Fielding (C)
Beattie (R), Chivers (R), Holmes (R/C), Hunter (R),
McAuley (C), MA McKillop (R), McLean (C), McLaughlin
(R) McQuillan (C), Wallace (C)

Officers Present: A McPeake, Director of Environmental Services (C)
A Mullan, Head of Operations (R)
G Doyle, Head of Estates (R)
J Richardson, Head of Capital Works, Energy and Infrastructure (C)
T Vauls, Car Parks Manager (R)
S Duggan, Civic Support & Committee & Member Services Officer (R)

In Attendance: A Lennox, ICT Mobile Operations Officer (C)

Press (4. no) (R)
Public (2 no.) (R)

Key: (C) Attended in the Chamber
(R) Attended Remotely

The Director of Environmental Services undertook a roll call.

The Director of Environmental Services presented each of the reports.

1. APOLOGIES

Apologies were recorded for Alderman Robinson, Councillors Bateson and McGlinchey.

2. DECLARATIONS OF INTEREST

Declarations of Interest were recorded for:

- Alderman Boyle in Trading Concessions – Breach of Contract & Working Group Recommendations as a Member of the Planning Committee. Alderman Boyle did not participate in the Item.
- Councillor Hunter in Trading Concessions – Breach of Contract & Working Group Recommendations as a Member of the Planning Committee. Councillor Hunter, having initially participated in the Item, later withdrew from discussion.
- Councillor MA McKillop in Trading Concessions – Breach of Contract & Working Group Recommendations as a Member of the Planning Committee. Councillor MA McKillop did not participate in the Item.

3. MINUTES OF ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD TUESDAY 8 MARCH 2022

Summary previously circulated.

AGREED – that the Minutes of the Environmental Services Committee meeting held Tuesday 8 March 2022 were signed as a correct record.

4. ENTERTAINMENT LICENSING REPORT

Report, previously circulated.

4.1 GRANT OF INDOOR ENTERTAINMENTS LICENCE

Licence No: EL122
Premises: NW200 Hospitality Marquee, Paddock, Ballyreagh Road, Portstewart
Application: Grant of an Occasional Indoor Entertainments Licence

Days and times on which it is applied to provide entertainment:

Saturday 7 th May 2022	18:00hrs – 01:00hrs
Sunday 8 th May 2022	18:00hrs – 01:00hrs
Monday 9 th May 2022	18:00hrs – 01:00hrs
Tuesday 10 th May 2022	18:00hrs – 01:00hrs
Wednesday 11 th May 2022	18:00hrs – 01:00hrs
Thursday 12 th May 2022	19:30hrs – 01:00hrs
Friday 13 th May 2022	19:30hrs – 01:00hrs
Saturday 14 th May 2022	18:00hrs – 01:00hrs

Representations: No objections

PSNI & NIFRS: No objections

Recommendation

It is recommended to grant an Occasional Entertainments Licence subject to compliance with any recommendations of the Council's Licensing Department

4.2 GRANT OF INDOOR ENTERTAINMENTS LICENCE

Licence No: EL412
Premises: The Station, 16C Eglinton St, Portrush
Application: Grant of an Annual Indoor Entertainments Licence

Days and times on which it is applied to provide entertainment:

Monday – Saturday 11:30hrs to 01:30hrs

Sunday 12:30hrs to 00:30hrs

Representations: To be received by 7th April 2022

PSNI : No objections

NIFRS: Response to be received by 4th April 2022

Recommendation

It is recommended to grant an Annual Entertainments Licence subject to compliance with any recommendations of the Council's Licensing Department and no objections being received from Representations or NIFRS.

4.3 GRANT OF INDOOR ENTERTAINMENTS LICENCE

Licence No: EL413

Premises: Elephant Rock Hotel, 17 -18 Landsdowne Crescent, Portrush

Application: Grant of an Annual Indoor Entertainments Licence

Days and times on which it is applied to provide entertainment:

Monday – Sunday 11:30hrs to 01:00hrs

Representations: To be received by 12th April 2022

PSNI: PSNI have no objections

NIFRS: NIFRS response to be received 5th April 2022

Recommendation

It is recommended to grant an Annual Entertainments Licence subject to compliance with any recommendations of the Council's Licensing Department and no objections being received from Representations or NIFRS.

4.4 GRANT OF INDOOR ENTERTAINMENTS LICENCE

Licence No: EL337

Premises: Sperrin View Bar, 34 Main Street, Feeny

Application: Grant of an Annual Indoor Entertainments Licence

Days and times on which it is applied to provide entertainment:

Friday – Saturday 11:30hrs to 01:00hrs

Sunday 12:30hrs to midnight 00.00hrs

Representations: To be received by 11th April 2022

PSNI No objections

NIFRS: Response to be received by 5th April 2022

Recommendation

It is recommended to grant an Annual Entertainments Licence subject to compliance with any recommendations of the Council's Licensing Department and no objections being received from Representations or NIFRS.

4.5 GRANT OF INDOOR ENTERTAINMENTS LICENCE

Licence No: EL223

Premises: Ballymoney United Football Social And Recreation Club, 35 Castle Street, Ballymoney

Application: Grant of an Annual Indoor Entertainments Licence

Days and times on which it is applied to provide entertainment:

Monday – Thursday 11.30hrs to 23:30hrs

Friday – Saturday 11:30hrs to 01:30hrs

Sunday 12:30hrs to 22.30hrs

Representations: No objections

PSNI & NIFRS: No objections

Recommendation

It is recommended to grant an Annual Entertainments Licence subject to compliance with any recommendations of the Council's Licensing Department

4.6 GRANT OF INDOOR ENTERTAINMENTS LICENCE

Licence No: EL355

Premises: St. Aidan's Parish Hall, 47 Duncrun Road, Limavady

Application: Grant of an Annual Indoor Entertainments Licence

Days and times on which it is applied to provide entertainment

Friday – Saturday 19:00hrs to 01:00hrs

Sunday 19:00hrs to 23.00hrs

Representations: No objections

PSNI No objections

NIFRS Response to be received by 29th March 2022

Recommendation

It is recommended to grant an Annual Entertainments Licence subject to compliance with any recommendations of the Council's Licensing Department and no objections being received from NIFRS.

4.7 GRANT OF INDOOR ENTERTAINMENTS LICENCE

Licence No: EL318

Premises: Chasers, 22 Linenhall Street, Limavady

Application: Grant of an Annual Indoor Entertainments Licence
Days and times on which it is applied to provide entertainment:
Friday – Saturday 11:30hrs to 01:30hrs
Sunday 12:30hrs to 00.30hrs

Representations: Response to be received by 6th April 2022

PSNI No objections

NIFRS Response to be received by 4th April 2022

Recommendation

It is recommended to grant an Annual Entertainments Licence subject to compliance with any recommendations of the Council's Licensing Department and no objections being received from Representations or NIFRS.

4.8 VARIATION OF ANNUAL INDOOR ENTERTAINMENTS LICENCE

Licence No: EL147

Premises: Barristers, Castlerock Road Coleraine

Application: Variation of Annual Indoor Entertainments Licence to include:
An extension of hours on the following dates:
Every Friday and Saturday from Friday 15th April 2022 until Saturday 18th March 2023 11:30hrs to 03:00hrs
Monday 18th April 2022 11:30hrs to 03:00hrs
Tuesday 12th July 2022 11:30hrs to 03:00hrs
Monday 29th August 2002 11:30hrs to 03:00
Sunday 25th December 2022 12:30hrs to 03:0hrs
Monday 26th December 2022 11:30hrs to 03:00hrs
Sunday 1st January 2023 12:30hrs to 03:00hrs

Representations: No representations

PSNI and NIFRS: To be received by 29th April 2022

The Licensing and Registration of Clubs (Amendment) Act (NI) 2021 became law on 26th August 2021. The Act amends both the Licensing (NI) Order 1996 (the Licensing Order) and the Registration of Clubs (NI) Order 1996 (the Clubs Order). Section 3 of the Act allows pubs and hotels (which already have an Article 44 order) to apply to the courts for later opening for an additional hour, up to 104 nights in any year. Food and/or entertainment must continue to be provided during late opening.

As a result of the changes to the above legislation, this premises has applied to vary the entertainment licence hours to coincide with the hours permitted in the above Act.

The grant of an Entertainment Licence was granted by delegated authority.

Recommendation

It is recommended that Council consider the grant of the variation to the entertainments licence for the premise subject to compliance with any recommendations of the Council's Licensing Department and a no objection from PSNI and NIFRS.

4.9 GRANT OF INDOOR ENTERTAINMENTS LICENCE

Licence No: EL090

Premises: Mussenden Temple, Bishop's Road, Castlerock

Application: Grant of an Annual Indoor Entertainments Licence

Days and times on which it is applied to provide entertainment:
Monday – Sunday 12:00hrs to 22:00hrs

Representations: Response to be received by 21st April 2022

PSNI No objections

NIFRS Response to be received by 23rd April 2022

Recommendation

It is recommended to grant an Annual Entertainments Licence subject to compliance with any recommendations of the Council's Licensing Department and no objections being received from Representations or NIFRS.

4.10 GRANT OF INDOOR ENTERTAINMENTS LICENCE

Licence No: EL099

Premises: Sperrin Sports and Social Club, 5 Newmills Road, Coleraine

Application: Grant of an Annual Indoor Entertainments Licence

Days and times on which it is applied to provide entertainment:
Monday – Saturday 11:30hrs to 23:00hrs

Sunday 12:30hrs to 22.00hrs

Representations: No objections

PSNI No objections

NIFRS Response to be received by 7th April 2022

Recommendation

It is recommended to grant an Annual Entertainments Licence subject to compliance with any recommendations of the Council's Licensing Department and no objections being received from NIFRS.

4.11 GRANT OF INDOOR ENTERTAINMENTS LICENCE

Licence No: EL133

Premises: Potters Snooker & Pool Club, 76 Long Commons,
Coleraine

Application: Grant of an Annual Indoor Entertainments Licence

Days and times on which it is applied to provide entertainment:

Monday – Friday 11:00 to midnight 00:00hrs

Saturday 11:00hrs to 21:00hrs

Sunday 14:00hrs to 21:00hrs

Representations: Response to be received by 7th April 2022

PSNI & NIFRS: Response to be received by 19th April 2022

Recommendation

It is recommended to grant an Annual Entertainments Licence subject to compliance with any recommendations of the Council's Licensing Department and no objections being received from Representations or NIFRS.

4.12 GRANT OF INDOOR ENTERTAINMENTS LICENCE

Licence No: EL146

Premises: Rubys, 10 -12 Newmarket Street, Coleraine

Application: Grant of an Annual Indoor Entertainments Licence

Days and times on which it is applied to provide entertainment:

Monday – Saturday 11:00hrs to 01:00hrs

Sunday 12:00hrs to 01.00hrs

Representations: No objections

PSNI No objections

Recommendation

It is recommended to grant an Annual Entertainments Licence subject to compliance with any recommendations of the Council's Licensing Department and no objections being received from NIFRS.

Proposed by Councillor Wallace
Seconded by Councillor MA McKillop and

AGREED – to recommend that Council approve recommendations 4.1-4.12 above.

* **Councillor Beattie joined the meeting at 7.07pm.**

5. APPROVAL OF PREMISES AS VENUE FOR CIVIL MARRIAGE AND CIVIL PARTNERSHIP

Report, previously circulated.

5.1 THE MARRIAGE (NI) ORDER 2003 AND THE CIVIL PARTNERSHIP REGULATIONS (NI) 2005**APPROVAL OF A PLACE AS A VENUE FOR CIVIL MARRIAGE AND CIVIL PARTNERSHIP**

Reference Number: MA 014 / CP 014

Premises: Limepark, 37 Drones Road, Ballymoney

Application: Application has been received for the Grant of Approval as a place of Civil Marriage and Civil Partnership.

Representations: None received

PSNI and NIFRS: No objections received

Recommendation:

It is recommended that the premises be granted Approval for Civil Marriage and Civil Partnership subject to compliance with any recommendations of the Councils licensing section.

5.2 APPROVAL OF A PLACE AS A VENUE FOR CIVIL MARRIAGE

Reference Number: TMA002/2022

Premises: 118 Pollys Brae Road, Limavady

Application: Application has been received for the Grant of Temporary Approval as a place of Civil Marriage

Date: 20th August 2022

Representations: No objections

PSNI & NIFRS: No objections

Recommendation:

It is recommended that the premises be granted Approval for Civil Marriage subject to compliance with any recommendations of the Councils licensing section and no representations.

Proposed by Councillor Hunter

Seconded by Councillor MA McKillop and

AGREED – to recommend that Council approve recommendations 5.1-5.2 above.

6. MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN DEPARTMENT OF AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS AND COUNCIL REGARDING THE CERTIFICATION OF PRODUCTS OF ANIMAL ORIGIN AND PROVISION OF SUPPORT FOR OFFICIAL CERTIFICATION

Report, previously circulated.

Purpose of Report

The purpose of this report is to consider and agree a Memorandum of Understanding (MOU) between Department of Agriculture, Environment and Rural Affairs and Council regarding the certification of products of animal origin (fish, fishery products and composite products containing fish and/or eggs) and provision of support for official certification of other products of animal origin on behalf of DAERA in approved and registered (where applicable) establishments.

Background

In the United Kingdom, trade is a reserved matter held by the UK Government in Westminster. The lead department for trade across the agri-food sector (live animals, products of animal origin (POAO), germinal products and animal by products) is the Department of Environment, Farming and Rural Affairs, (Defra). Defra, as the Central Competent Authority, delegate responsibility for governance and delivery of certification within the territory of Northern Ireland to the Department of Agriculture, Environment and Rural Affairs (DAERA).

Export Health Certificates (EHCs) are required to accompany certain commodities to Third Countries (TCs) and live animals and some animal products to member states within the EU.

DAERA Official Veterinarians authorised as certifying officers (COs) certify meat and dairy POAO to third countries. DAERA Fish Health Inspectorate (FHI) authorised as COs certify live aquaculture and aquatic germplasm. Authorised Private Veterinary Practitioners (aPVP) authorised as COs certify live animals, animal by products and germplasm to third countries.

Council designated food competent Environmental Health Officers (EHOs) are authorised by DAERA as Food Competent Certifying Officers (FCCOs) to undertake official certification of fish, fishery products and composite fish and/or egg products on its behalf, issuing EHCs for export of this product to Third Countries.

Council food teams undertake this work as a non-statutory function, with no further funding from DAERA, in pursuit of their overarching responsibilities to support communities and the local economy.

In addition, DAERA has requested that, where required and appropriate, Councils will provide relevant information to a Certifying Officer acting on behalf of DAERA, on technical food hygiene, traceability and compliance matters in businesses under their jurisdiction. The purpose of this is to facilitate official certification for POAO other than fish, eggs, etc., for example, dairy POAO, being produced for export in establishments under LA jurisdiction and which must be certified by an official veterinarian. This work complements the activities of Environmental Health Officers who have statutory roles in delivery of Official Controls under Regulation (EU) 2017/625, as authorised by the Food Standards Agency, UK. This exchange of information will take place under the provision of a Data Sharing Agreement (DSA) agreed between DAERA, Local Authorities and the Food Standards Agency (FSA).

The MoU sets out:

- Arrangements for review, governance and management of the agreement.
- Arrangements for information and records management
- Data Protection and Data sharing
- DAERA monitoring of Local Authority activities covered by the agreement. ;

The MOU may be found at Appendix 1 to this report.

Recommendation

It is recommended that the Committee recommends to Council the signing of the above Memorandum of Understanding. It is further recommended that authority be given to the Head of Health and Built Environment to sign on behalf of Council.

Proposed by Councillor Hunter
Seconded by Councillor McLean and

AGREED – to recommend that Council sign the above Memorandum of Understanding; that authority be given to the Head of Health and Built Environment to sign on behalf of Council.

7. CONSIDERATION OF PROPOSED DOG CONTROL ORDER EXCLUDING DOGS FROM LANDS

Report, previously circulated.

Purpose of Report

The purpose of this report is for members to consider a request for a Dog Control Order excluding dogs from lands between Ballintoy Harbour and Whitepark Bay.

Background

Environmental Services have received a request from a landowner requesting Council impose a Dog Control Order on his lands where an asserted Right of Way footpath is located. The path runs from Ballintoy Harbour to Whitepark Bay. The lands in question are private lands where livestock are kept however the public use the pathway for recreation and for walking dogs.

The landowner claims that members of the public do not exercise proper control of their dogs by keeping them on a leash and as such the landowner has suffered loss due to dogs worrying the livestock.

The request is that Council impose a Dog Control Order to exclude dogs from this land.

Existing Legislative Provisions

Legislative provisions to control dogs on land where livestock is kept exist within the Dogs (NI) Order 1983. Regulation 25 of this Order requires anyone with a dog on land where livestock is kept to keep that dog under control by means of a leash. Any person who contravenes this regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

Regulation 28 of the Dogs (NI) Order 1983 states that if a dog worries livestock, or attacks and injures any other animal owned by another person, the keeper of the dog and the person in charge of the dog shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 (£1,000) on the standard scale.

Power to make Dog Control Orders

Under Part 5 Article 40 of the Clean Neighbourhoods and Environment Act (NI) 2011 a district council may make an order providing for an offence or offences relating to the control of dogs in respect of any land in its district to which this Part applies. An order under this subsection shall be known as a “dog control order”.

Although the land in question here is private land used to keep livestock the power to make a Dog Control Order applies as it is land to which the public are entitled to access due to the asserted Right of Way path.

Considerations of imposing a Dog Control Order

The Department of the Environment (NI) produced guidance for District Councils to refer to when considering imposing Dog Control Orders called ‘Guidance on Part 5 of the Clean Neighbourhoods and Environment Act

(Northern Ireland) 2011' which can be found at <https://www.daera-ni.gov.uk/sites/default/files/publications/doe/guidance-dog-control-orders.pdf>

The following excerpts are from that guidance on general principles:

- Paragraph 1.3 District councils may make dog control orders, provided that they are satisfied that an order is justified, and they have followed the necessary procedures.
- Paragraph 1.5 However, enforcement of the legislation is just one tool that is available to district councils to deal with dogs. Councils should bear in mind that the introduction of a dog control order may not always be the most appropriate course of action and that education also has an important part to play in promoting responsible dog ownership.
- Paragraph 2.2 The council needs to balance the interests of those in charge of dogs against the interests of those affected by the activities of dogs, bearing in mind the need for people, in particular children, to have access to dog-free areas and areas where dogs are kept under strict control, and the need for those in charge of dogs to have access to areas where they can exercise their dogs without undue restrictions. A failure to give due consideration to these factors could make any subsequent dog control order vulnerable to challenge in the Courts.
- Paragraph 2.3 District councils should also consider how easy a dog control order would be to enforce, since failure to enforce properly could undermine the effect of an order. This is particularly the case for orders that exclude dogs completely from areas of land.

Procedures for making a Dog Control Order

The 'Guidance on Part 5 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011' also sets out the procedures for making a dog control order. The following excerpts are from that guidance:

- Paragraph 2.5 The Procedures Regulations require that before it can make a dog control order, a district council must publish a notice describing the proposed order on the council's website and in a local newspaper circulating in the same area as the land to which the order would apply and invite representations on the proposal.

The notice must:

- (a) identify the land to which the order will apply;
- (b) summarise the order;
- (c) if the order will refer to a map, say where the map can be inspected. This must be at an address in the district council's area, be free of charge, and be available at all reasonable hours during the consultation period;
- (d) state that representations about the proposal may be made to the council and give the date by which they must be made. The final date for representation must be at least 28 days after the publication of the notice.

- Paragraph 2.6 At the end of the consultation period the council must consider any representations that have been made. If it then decides to proceed with the order, it must decide when the order will come into force. This must be at least 14 days from the date on which it was made.

Monitoring and Assessment of Current Situation

A monitoring exercise was carried out by officers from the Enforcement Team and the Senior Environmental Health Officer for Enforcement in order to ascertain the extent of ongoing offences relating to persons taking dogs onto these lands and not keeping them under control by means of a leash while livestock are present.

Monitoring was carried out in the mornings and afternoons during the week and at weekends from 31st January to 22nd February 2022. In total 37 visits/hours of monitoring was carried out at the lands in question. In order for an offence to be committed under Regulation 25 of the Dogs (NI) Order 1983 livestock must be present on the land in question and dogs must be off leash and not under control. In summary the findings are:

- Of the 37 visits livestock was present 5 times
- Of the 37 visits dogs were observed not under control 6 times
- Of the 37 visits no offences were detected whereby livestock was present and dogs were off leash

It is appreciated that this monitoring is a snapshot in time and that later in the year the lands in question may be used more for keeping livestock and that there is the potential for increased use by the public and their dogs especially in good weather.

Environmental Services also engaged with the person who made the request for the Dog Control Order to provide a written witness statement indicating the extent of the problem in their experience and to provide supplementary evidence to support any losses incurred such as veterinary records.

The complainant has provided a witness statement confirming their general complaint of the land being used by dog owners but there are no specific details of number of incidents of dogs attacking livestock, no details of numbers of livestock lost and no veterinary evidence of treatment of livestock following dog attacks.

Considerations for Council

- There already exists legislation whereby dogs must be under control by means of a leash on lands where livestock is present.
- The relevant guidance requires that the introduction of any Dog Control Order must be justified.
- Councils must take into account the interests of dog owners to be able to exercise their dogs without undue restrictions.
- Any proposed Dog Control Order must have a public consultation and the responses from this consultation such as objections to the Dog Control Order must be considered.
- The introduction of any Dog Control Order is subject to legal challenge and may fail if Council cannot demonstrate that such an Order is required and justified.

- The Environmental Health Department have no recorded complaints of any incidents of dogs worrying livestock on these lands.
- During the monitoring exercise no relevant offences were detected.
- The witness statement by the complainant does not provide any supporting evidence in relation to the complaint.

Recommendation

It is recommended that members of the Environmental Services Committee make a recommendation to Council that Council does not progress the procedure to introduce a Dog Control Order excluding dogs from these lands.

Alderman Boyle observed the time of year was very cold and sheep lambing and therefore not representative. Alderman Boyle advised that Alderman Baird would be in the position to obtain evidence if given time.

Councillor McLean stated Legislation was already in place to be enforced and queried what difference the Order would make.

Proposed by Councillor McLean
Seconded by Councillor McQuillan

- To recommend that Council does not progress the procedure to introduce a Dog Control Order excluding dogs from these lands.

Amendment

Proposed by Alderman Boyle
Seconded by Councillor McLaughlin

- To recommend that Council defer consideration for one month to gather evidence and bring back to Committee.

The Chair put the Amendment to the Committee to vote.
8 Members voted For, 5 Members voted Against.
The Chair declared the Amendment carried.

8. FESTIVE LIGHT UPGRADE

Report, previously circulated.

Upgrade to festive lighting

Since 2015 Council has upgraded and improved the festive lighting systems in Limavady, Ballycastle, Dungiven, Ballykelly and Bushmills. Given the fragility and the extremes of weather to which they are subjected, it is now necessary to consider the older schemes in Ballymoney, Coleraine, Garvagh, Kilrea, Portstewart and Portrush.

Members have also expressed a desire to consider the option to replace traditional trees with artificial trees. This report also asks Members to consider the provision of Christmas trees to smaller rural settlements.

Background

In 2013 Ballymoney BC replaced the entire town centre festive lighting display with new features and strings incorporating energy efficient LED bulbs to replace the older traditional incandescent lighting which was no longer fit for purpose. There were also upgrades to the electrical infrastructure. The following year a similar exercise took place in Coleraine, Portrush, Portstewart, Garvagh, Kilrea and Bushmills.

In the intervening years costs for the maintenance of these systems at these locations has increased as they suffer from the extremes of weather and general wear and tear. Typical issues include breakdown of water tight seals and rusting of metal components. Given their age, condition and increasing problems (including increased complaints), it will be more cost effective to replace the lights rather than continue with ad hoc repair. To keep costs down some of the existing alloy frames which support the various motifs will be retained and their defective lights replaced with new lights.

As well as considering the upgrade of the lighting systems this proposal also includes improvements to the support infrastructure, electrical supply and considers the replacement of 'natural' trees with artificial alternatives.

Proposals

The proposal is to carry out this work on a phased basis over 4 years. The attached Table 1A shows the make-up of the estimated costs. Note that some costs (infrastructure and power supplies) must be carried out to meet DFI Roads Service requirements and safety standards. Also attached is a picture of the proposed artificial tree for information.

Note that the proposed artificial trees are at the 'upper end' in terms of quality and appearance comparing favorably to natural trees hence their cost. Cheaper trees are available but as the price comes down so does the quality and resemblance to real trees.

One of the perceived benefits of artificial trees is their potential to be more sustainable and environmentally friendly. However, the following points should be considered:

- a) According to the British Carbon Trust, a natural tree that ends up as firewood has a 3.5kg CO₂ footprint. If it ends up decomposing in a waste dump, its' footprint significantly increases to 16kg. The carbon footprint of a comparable artificial tree is larger, reaching 40kg of CO₂ so it will be more sustainable if re-utilised for at least 12 years compared to a natural one which ends up being burnt. Other studies indicate that it may take up to 20 years for an artificial tree to match a natural tree.
- b) Artificial trees usually travel further which raises their carbon footprint. Re-cycling of these trees generate much more CO₂ than burning a natural tree. As they grow natural trees also have the benefit of absorbing CO₂.
- c) In summary, the 'natural' versus 'artificial' carbon debate has no definitive answer. It will depend on a range of variables, including

whether or not natural trees are composted or burnt, age, the source of the artificial tree and the number of years of its' re-use.

Members may also wish to take this opportunity to consider the ongoing provision of trees to rural communities. Outside of the larger towns on the attached table 1, trees have been supplied to another 30 locations (Table 2). Points to consider include:

- a) Given that Council have been supplying trees and lights for many years, it may now be prudent to review this provision. In many locations there was greater community involvement but this appears to have waned in recent years in some areas.
- b) Council spend approximately £1000 per location buying, installing, lighting, maintaining and removing these trees
- c) In many locations the tree is the only sign that it is Christmas and can look 'lost' in the absence of other festive presentations
- d) In many cases the current lighting to the trees is unsatisfactory and does not help their presentation. Should Council wish to continue supplying trees then it will take approximately £1000 per location to upgrade the lights.

Members may wish to have a review/consultation carried out with residents to ascertain whether or not Council should continue to supply rural trees. This may include:

- a) Continue to supply a tree
- b) Continue to supply a tree and upgrade the tree lighting
- c) Stop supplying a tree but provide a grant to allow communities to provide their own festive offering eg. Christmas party
- d) Stop supplying a tree/funding where there is a lack community involvement/interest.

Options

(4.1) Do nothing. Festive lighting continues to degrade. No further investment will result in gaps in existing displays. Ad hoc repairs are becoming uneconomical tying up resource between November and January and will prove more expensive in the long term. Elements of schemes will not be allowed to be erected without work to infrastructure and power supplies. Public complaints continue to rise.

(4.2) Upgrade lighting as per attached table over the next 4 years including purchase and installation of artificial trees (see attached image)

(4.3) Upgrade lighting as per attached table over next 4 years but do not purchase and install artificial trees (retain natural trees).

(4.4) Upgrade lighting as per attached table over the next 4 years including purchase and installation of artificial trees to 4 main town centres only.

(4.5) Consider the on-going provision of rural trees.

(4.6) Members may have other options

Recommendation

It is recommended that the Environmental Services Committee considers festive lighting provision, the potential to use artificial rather than natural trees, provision of trees to rural communities and recommends to Council their preferred options.

The Head of Estates responded to requests for clarification.

Proposed by Councillor Wallace
Seconded by Councillor McQuillan

- to recommend that Council approve Option 4.3 Upgrade lighting as per attached table over next 4 years but do not purchase and install artificial trees (retain natural trees).

The Chair put the motion to the Committee to vote, committee voted unanimously in favour.

Proposed by Councillor Chivers
Seconded by Councillor MA McKillop and

AGREED – to recommend that Council retain the provision of trees to rural communities, where there is community involvement.

The Director of Environmental Services clarified legacy arrangements were in place for communities and the list could be added to, with settlement sizes as a criteria. He confirmed that Community Groups would be written to in this regard.

9. LIVESMART COMMUNITY ENVIRONMENTAL GRANT PROGRAMME

Report, previously circulated.

Purpose of Report

The purpose of this report is to recommend that Council approve the Community Environmental Grant programme for the period 2022-23.

Background

On 5th January 2021 Council agreed a Pilot Community Environmental Grant Programme.

The total grant fund agreed was £10,500 and was derived from the annual Street Cleansing budget.

The Pilot Grant scheme programme opened on 11th May 2021 and closed on 18th June 2021.

Thirty-three applications were received by the closing date.

Twenty-three applications were successful and 23 Letters of Offer were issued totalling £10,438. Letters of Offer were awarded to a variety of organisations including community associations, community development groups, parent teacher associations and youth groups.

Proposed Grant Programme for 2022 -2023

The purpose of the LiveSmart Community Environmental Grant Programme is to provide small grants of £500 to local community and voluntary organisations. The grants are to give financial assistance to allow groups and organisations to:

- (1) Improve the general cleanliness in their local area, particularly in respect of litter;
- (2) Promote recycling, reuse and waste reduction;
- (3) Look at ways of reducing carbon footprint by taking simple, practical actions such as planting.

There are several specific objectives which applicants must address. An application can address more than one objective but only one is necessary:

- RecycleSmart: aims to reduce waste by educating, engaging and inspiring us all to buy less, reuse more, recycle and compost.
- LitterSmart: aims to reduce litter through education, encouraging responsible disposal and supporting local people to carry out litter lifts.
- ClimateSmart: aims to reduce our carbon footprint by increasing our knowledge of sustainability and empowering change with simple, practical actions such as planting vegetables, fruit, native shrubs and pollinator plants.

Assessment & Scoring Criteria:

The criteria set out in the table below will be used for assessment and scoring of grant applications:

Criteria	Score out of a possible 5	Weighting	Possible Score
1. Good project description; range of activities, quality of project; fit with the fund objectives.		X4	20
2. How well the need has been demonstrated		X2	10
3. How well the project includes participation from the wider community and involves a range of people		X2	10
4. Area deprivation score		X1	5
5. How well the project is promoted & publicised.		X1	5
			50

Applications must achieve a minimum score of 65% to be considered for funding.

Recommendation

It is recommended that the Environmental Services Committee agrees the Community Environmental Grant Programme for the 2022-23 period with a budget of £10,500.

Proposed by Councillor McQuillan
Seconded by Councillor McLean and

AGREED – to recommend that Council agrees the Community Environmental Grant Programme for the 2022-23 period with a budget of £10,500.

The Director of Environmental Services presented the following Items as read.

10. AMUSEMENT PERMIT RENEWALS

Report, previously circulated.

THE BETTING, GAMING, LOTTERIES AND AMUSEMENTS (NI) ORDER 1985

RENEWAL OF AN AMUSEMENT PERMIT

The undernoted applications for renewal of an amusement permit have been received and processed during the report period.

<u>Licence No:</u>	<u>Name of Premises</u>
AP006	Oasis Gaming Centre
AP016	The Horseshoe Amusement Centre
AP018	Regal Bingo
AP010	The Jet Centre
AP003	Sportsland Amusements
AP002	Phils Amusements
AP004	Flutters Portrush Ltd

11. APPROVAL OF PREMISES AS A VENUE FOR CIVIL MARRIAGE

Report, previously circulated.

MARRIAGE REGULATIONS (NI) 2003

THE MARRIAGE (NI) ORDER 2003

Approval of premises as a venue for Civil Marriage.

The undernoted applications for renewal as an approved place for Civil Marriage were received, acknowledged and processed during the report period.

<u>Unique Reference Number</u>	<u>Premises Name</u>	<u>Approval Type</u>
MA006	The Arcadia	Civil Marriage Place Approval
MA005	Portrush Town Hall	Civil Marriage Place Approval
MA032	Royal Court Hotel	Civil Marriage Place Approval
MA007	Bushtown Hotel	Civil Marriage Place Approval
MA002	Mussenden Temple	Civil Marriage Place Approval

12. APPROVAL OF PREMISES AS A VENUE FOR CIVIL PARTNERSHIP

Report, previously circulated.

THE CIVIL PARTNERSHIP REGULATION (NI) 2005

THE CIVIL PARTNERSHIP ACT 2004

Approval of premises as a venue for Civil Partnership.

The undernoted applications for renewal as an approved place for Civil Partnership were received, acknowledged and processed during the report period.

<u>Unique Reference Number</u>	<u>Premises Name</u>	<u>Approval Type</u>
CP006	The Arcadia	Civil Partnership Place Approval
CP005	Portrush Town Hall	Civil Partnership Place Approval
CP032	Royal Court Hotel	Civil Partnership Place Approval
CP007	Bushtown Hotel	Civil Partnership Place Approval
CP002	Mussenden Temple	Civil Partnership Place Approval

13. CINEMA LICENCE RENEWALS

Report, previously circulated.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NI) ORDER 1985 CINEMAS (NORTHERN IRELAND) ORDER 1991

The undernoted applications for a cinema licence have been received, acknowledged and processed during the report period.

<u>Unique Reference Number:</u>	<u>Name of Premises</u>
CL001	Movie House Coleraine
CL003	Bushmills Inn Hotel

14. ENTERTAINMENT LICENCE RENEWALS

Report, previously circulated.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NI) ORDER 1985 ENTERTAINMENT LICENCES

The undernoted applications for an entertainments licence have been received, acknowledged and processed during the report period.

<u>Unique Reference Number</u>	<u>Name of Premises</u>
EL061	Magheraboy House Hotel
EL139	Patsy's Bar
EL004	Agherton Parish Centre
EL044	Garvagh Community Building
EL388	The Well Bar and Grill
EL213	Royal British Legion Club Ltd
EL104	St Mary's Star of the Sea Parish Centre
EL191	O'Connor's Bar
EL056	Kilrea GAC Community Hall
EL095	Villa
EL012	Bertha's Bar
EL049	Harbour Bar & Bistro
EL369	McMullans Central Bar Ltd
EL145	The Arcadia
EL321	Marquee in Secret Garden
EL314	The Vale Centre
EL302	Cushendall Sailing & Boating Club
EL101	Springhill Bar
EL082	Portstewart Golf Club
EL027	Coleraine Bowling Club
EL021	ODM Restaurants T/A The Newbridge
EL014	Boveedy Community Hall
EL057	Kilrea Golf Club
EL411	The Roost Bar
EL345	Drummond Cricket Club
EL322	The Thatch Bar
EL102	Ulster University Students Union
EL348	Coach House Brasserie
EL129	The Tides

EL398	Friends of Glenariffe – Glenariffe Community & Recreation Centre
EL008	Bayview Hotel
EL351	Limavady Cricket and Rugby Football Club
EL366	The Ponderosa Bar & Restaurant

15. LICENCES ISSUED UNDER DELEGATED AUTHORITY

Report, previously circulated.

The below licences were issued under Delegated Authority during the last report period:

The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985

<u>Reference Number</u>	<u>Society</u>	<u>Type of Registration</u>
SL025	Carnalridge Primary	Societies' lottery

Local Government (Miscellaneous Provisions) (NI) Order 1985

Articles 13 & 14, Practice of Acupuncture/Business of Cosmetic Piercing/Tattooing/Semi-Permanent Skin-Colouring/Electrolysis

<u>Unique Reference Number:</u>	<u>Name of Premises</u>	<u>Type of Registration</u>
T/01/2022	Pure Skin Studio	Tattooing
SP/01/2022	Pure Skin Studio	Semi-permanent Skin Colouring
CP/01/2022	Superdrug, Coleraine	Cosmetic Piercing

The Local Government (Miscellaneous Provisions) (NI) Order 1985

<u>Ref No</u>	<u>Premises:</u>	<u>License</u>
EL147	Barristers Castlerock Road Coleraine	Grant of an Annual Indoor Entertainments Licence Days and times on which it is applied to provide entertainment: Monday to Thursday 11:30 – midnight 00.00hrs

		Friday – Saturday 11:30hrs to 01:00hrs Sunday 12:30hrs to midnight 00.00hrs
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16. SOCIETY LOTTERY REGISTRATIONS

Report, previously circulated.

THE BETTING, GAMING, LOTTERIES AND AMUSEMENTS (NI) ORDER 1985 REGISTRATION OF A SOCIETY

The undernoted applications for society lottery registrations have been received, acknowledged and processed during the report period.

<u>Registration No:</u>	<u>Name of Society</u>
SL035	Focus on Family
SL037	Portstewart Community Association
SL036	Cushendun Building Preservation Trust
SL028	Coleraine Versus Arthritis
SL026	Portstewart Primary School PTA

18. PETROLEUM SPIRIT LICENCE RENEWALS

Report, previously circulated.

PETROLEUM (REGULATION) ACTS 1929 AND 1937 PETROLEUM SPIRIT LICENCES

The undernoted applications for renewal of petroleum spirit licence have been received, acknowledged and processed during the report period.

<u>Licence No:</u>	<u>Name of Premises</u>
PL045	Barkley's Service Station
PL067	Kennys Spar Coleraine

19. STREET TRADING LICENCE RENEWALS

Report, previously circulated.

STREET TRADING (NI) ACT 2001

The undernoted applications for a street trading licence have been received, acknowledged and processed during the report period.

<u>Unique Reference Number</u>	<u>Applicant</u>	<u>Type of Licence</u>	<u>Commodity</u>	<u>Location</u>
MST 013	Andrew King	Mobile	Ice Cream, Confectionery and Minerals	Borough of Causeway Coast and Glens.
SST 010	David A McKennell	Stationary	Nursery produce, eggs and potatoes.	Between 28-38 Catherine Street, Limavady

20. BUILDING REGULATIONS FEES INCREASE

Report, previously circulated.

Purpose of Report

The purpose of this report is to inform members of the increase in Building Regulations Fees effective from the 1st April 2022 under The Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2022.

Background

Building Regulations are enforced by Council's Building Control Officers and includes approval of plans as well as site inspections.

The Building (Prescribed Fees) Regulations (Northern Ireland) 1997 (as amended) sets out the prescribed functions for which a district council may charge a fee in relation to applications for building regulations approvals for the construction, renovation or alteration of buildings.

The regulations also set the level of fee that may be charged for each function. Other activities undertaken by building control (including other building regulations activities) are rate borne.

The prescribed functions are:

- approval or rejection of plans or building notices;
- inspection of works;
- regularisation of unapproved work; and
- approval or rejection of type approval certificates

In the current Fees Regulations, fees are set out in three schedules to the regulations:

- Schedule 1 for one or more small domestic buildings;
- Schedule 2 for certain small buildings, extensions and alterations; and
- Schedule 3 for all other work.

Although the fees for applications under Schedule 3 are based on the estimated cost of works and have risen as prices have increased, the fees set

by Schedule 1 and Schedule 2 are “fixed” and can only be changed through an amendment to the regulations.

The fees set by Schedules 1 & 2 of the Fees Regulations have not been reviewed since 2013 and were no longer reflective of the cost to Councils.

The Fees Regulations have recently been reviewed to ensure that the level of fees follows the ‘user pays principle’. Both DfI and district councils recognise that a move to a 100% cost recovery ‘user pays’ model should be achieved using a phased approach.

Outcome

As from the 1st April 2022 Building Regulations Fees associated with Schedules 1 & 2 of the Fees Regulations will increase by 17.5% up until the 31st March 2023.

A second increment of 17.5% will come into force from the 1st April 2023

This will affect building work associated with fees for one or more small domestic buildings (dwellings under 250m²) under Schedule 1 and fees for certain small buildings, extensions and alterations under Schedule 2.

The fees are set out in appendix 1 and 2 to this report. This increase in building control fees was anticipated and accounted for during rate setting.

Recommendation

It is recommended that the report be noted.

21. ENTERTAINMENT LICENCE RENEWAL FEES 2022-23 UPDATE

Report, previously circulated.

Purpose of Report

The purpose of this report is to provide members with an update on the determination by the Department for Communities (DfC) regarding fees for Entertainment Licences for the duration of the 2022/2023 financial year

Background

Under Article 3 and Schedule 1 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, as amended by Article 52 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992, certain specified entertainment shall not be provided at places, except, and in accordance with, the terms, conditions and restrictions that are included in entertainment licences granted by district councils. The legislation also requires that any application for the grant, renewal, transfer or variation of an entertainment shall be accompanied by fee as the DfC may from time to time determine.

With effect from 6 April 2021 the Minister for Communities introduced a nominal fee of £1 for renewal applications for all categories of entertainment licences to alleviate the hardship being experienced by the hospitality industry as a result

of COVID-19 restrictions. This reduction remained in place for the duration of the 2021/2022.

In January 2022 DfC sought councils' views on whether or not there was a need to extend this easement beyond the end of 2021/2022 and this was brought before members in committee report ES220208 and CM220301. At that time there was no confirmation that funding would be available to Councils to offset the financial losses if the reduced fees continued into 2022/23. Council was of the view that Entertainment licence fees should revert to their pre-April 2021 levels and a response was issued to DfC with Council's preferred option.

Outcome

DfC has written to Councils to advise of their determination on entertainment license fees during 2022/23. A copy of the letter dated 23rd March 2022 is attached as appendix 1.

DfC stated that views received from Councils was mixed with the majority favouring extending the fee reduction on condition that the Department provided additional funding to cover the resulting loss of income.

The Minister, having considered the councils' views and the only very recent lifting of all remaining COVID-19 restrictions on hospitality venues has decided to continue with this easement for a further year. The nominal fee of £1 for renewal applications only, for all categories of entertainments licence will therefore remain as set out in Local Government Circular 4/2021 for the 2022/2023 financial year, subject to a further review later this year.

The continuation of this easement will result in further loss of income for councils. However on 23rd March 2022 the Minister for Communities announced additional funding of £17m from the Executive is to be allocated to Councils for losses incurred as a result of the pandemic which includes losses due to the reduction in entertainment licence fee renewals during 2022/23.

Recommendation

It is recommended that Council notes the renewal fee as determined by DfC.

22. PRIVATE CONTRACTOR LITTER ENFORCEMENT STATISTICS (WISE)

Report, previously circulated.

Purpose of Report

The purpose of this report is to update members on the private contractors actions from August 2021 to March 2022

Background

Further to report item ES210810 Item 22, members will be aware that this service commenced 2nd August 2021.

Statistical information for the period 2nd August 2021 to 31st March 2022 of operation were provided in the Tables.

Litter Composition Report 2019/20 compiled by Keep Northern Ireland Beautiful produced the graphic below which highlights the categories of littered items and the amount of litter that could be on our streets at any one time.

23. TERMINATION OF HOUSEHOLD RECYCLING CENTRE ONLINE AND TELEPHONE BOOKING SYSTEM

Report, previously circulated.

Purpose of Report

This report is to advise members of the termination of the household recycling centre online and telephone booking system.

Background

All household recycling centres re-opened on 4th May 2020. This followed a nationwide lockdown introduced on 23rd March 2020 due to the Covid-19 emergency

At the time of re-opening, social distancing rules were in place. To help ensure the rules were adhered to, and to protect the health and safety of site users and staff, a booking system was introduced.

The initial booking system was via the telephone and commenced operation on 30th April 2020.

Due to the high volume of calls, a 24-hour accessible online booking system became operational on 8th June 2020. The online booking system was accessed via the council website.

The telephone and online booking options operated in tandem.

Termination of booking system

Further to the relaxation of social distancing rules the booking system was terminated on Saturday 26th March 2022.

No bookings are required to visit a household recycling centre from Monday 28th March 2022 onwards.

Recommendation

It is recommended that the Environmental Services Committee notes for information the termination of the household recycling centre booking system from 28th March 2022 onwards.

Councillor McQuillan referred to the matter not having been brought to the attention of Committee prior to taking the decision.

The Director of Environmental Services advised the issue was initially considered under Covid delegated authority permissions and had stopped during the Strike Action, an opportune time to remove and could be reinstated.

24. UPDATE ON EASTER WEEKEND – TRAFFIC CONGESTION MITIGATION MEASURES

The Director of Environmental Services provided a verbal update on the Partnership working with PSNI in relation to Easter Sunday and possible congestion and actions agreed to take.

It was proposed there would be an overspill car park at West Bay using the Green, as last year. Additional toilet facilities would be in place over the weekend and PSNI have a number of projects ongoing in relation to checking car fitness and putting them off road if deemed not roadworthy. There would also be a number of traffic management measures in place.

The Director of Environmental Services advised the overspill Car Park at West Bay, as last year, Council has brought in Community Rescue Service to manage the site, they took a small donation at the entrance gate and was of no cost to Council. He advised Council were proposing to do the same this year as it worked successfully last year. The Director of Environmental Services invited a proposal on the course of action presented.

The Chair advised via PCSP, the SOS Bus would be in attendance and WISE Litter Enforcement Team.

Proposed by Alderman Fielding
Seconded by Councillor McQuillan and

AGREED – to recommend to Council that Community Rescue Service manage the over spill Car Park at West Bay for the Easter weekend period.

25. CORRESPONDENCE

There were no Items of correspondence.

26. CONSULTATION DOCUMENTS

There were no consultation documents.

27. CONFERENCES

There were no conferences.

28. MATTERS FOR REPORTING TO PARTNERSHIP PANEL

There were no matters for reporting to the Partnership Panel.

28. ANY OTHER RELEVANT BUSINESS NOTIFIED IN ACCORDANCE WITH STANDING ORDER

28.1 Castle Street Toilets (Councillor Wallace)

The toilets in the Castle Street Carpark in Ballymoney have not reopened after the covid restrictions. Can we have an update on when they will be in full use again?

The Chair permitted Councillor Wallace to raise further matters. Councillor Wallace advised the seats on the Streets were in need of repair, the trees in the middle of High Street were rotten.

The Chair advised the bins at Castlecroft had gone missing.

The Director of Environmental Services clarified the toilets had closed during Covid and were now open permanently and agreed to look at the further matters raised.

28.2 Bin survey in Cushendall (Councillor MA McKillop)

Can we have Results of bin survey in Cushendall and why have the old bins not been replaced yet ?

The Director of Environmental Services advised he had now received the delivery of bins and they would be replaced in Cushendall and at the Boat Club by the end of the month.

Councillor McQuillan stated the bins in Castlerock were due to be replaced two years ago.

28.3 Turnrobert Playpark maintenance (Councillor MA McKillop)

Can I get a update on Turnrobert Playpark maintenance?

The Director of Environmental Services advised the replacement equipment would be repaired by the end of the month.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor Wallace
Seconded by Councillor McLean and

AGREED – that Committee move 'In Committee'

The information contained in the following items is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

- * **Members of the press and public were removed from the meeting at 8.20pm.**

29. STREET TRADING APPLICATION

Confidential report, previously circulated.

Purpose of Report

The purpose of this report is for Council to consider the following application received for a mobile street trading licence under the Street Trading Act (N.I.) 2001.

Further detail was provided within the confidential report.

Options

It is considered that there are two options available to the Committee.

- (a) The Committee may recommend to Council to approve this application.
- (b) The Committee may recommend to Council that it should refuse the application.

Recommendation

It is recommended that Environmental Services Committee recommends to Council a decision on whether a Street Trading Licence should be granted or refused to the above applicant.

The Director of Environmental Services responded to requests for clarification. He advised of a further investigation of breach that was a separate matter.

During discussion it was brought to Committee's attention there was a difference between the requirements of obtaining a Street Trading Licence which require Access NI checks and that of Concession Trading Licence which does not. In response to Councillor Holmes, the Director of Environmental Services agreed to bring a report back.

Proposed by Councillor McAuley
Seconded by Councillor McQuillan and

AGREED – to recommend that Council approve Option (b) refuse the application.

30. TRADING CONCESSIONS – BREACH OF CONTRACT & WORKING GROUP RECOMMENDATIONS

Confidential report, previously circulated.

Purpose of Report

1. To inform members of continuous breaches at Councils Whiterocks concessionary trading site and to highlight the unfairness that this breach brings to the process and compliant licensees.
2. To agree the decision / conclusion at the Trading Working Group (TWG) regarding the items to be sold at the additional agreed concessionary trading sites at Limavady Play Park, Garvagh Mountain Bike trail head, Lansdowne Car Park, Christie Park, Coleraine and Riverside Park, Ballymoney.

It is recommended that members consider and approve the above items that can be sold at the above identified new concessionary trading sites.

The Director of Environmental Services, Head of Capital Works Energy and Infrastructure and Car Parks Manager responded to requests for clarification.

Proposed by Councillor McQuillan
Seconded by Councillor McAuley

- To recommend that Council approve food and drink products to be sold at Limavady Play Park, Garvagh Mountain Bike trail head (pending approval by Forestry Service), Christie Park, Coleraine and Riverside Park, Ballymoney. Lansdowne Car Park was limited to selling Tea, Coffee, Tray Bakes and hot confectionery.

Councillor Hunter disagreed, she stated it would be required to say what food products the Traders were selling. Councillor Hunter declared an Interest, related to Planning Committee and withdrew from discussion.

Alderman Boyle withdrew from discussion.

Councillor MA McKillop withdrew from discussion.

The Chair put the motion to the Committee to vote.
8 Members voted For, 1 Member voted Against.
The Chair declared the motion carried.

Trading Concessions Breach of Contract

Conclusion

The licensee is currently gaining significant economic advantage over other bidders at the concessionary trading auction, it is thus recommended that Members consider this persistent ongoing breach, together with the legal advice and direct officers if they;

- a. Wish to terminate this licence or
- b. Advise officers of an appropriate recourse.

Proposed by Councillor McQuillan
Seconded by Councillor McAuley and

AGREED – to recommend that Council write to the trader, if the Licence is breached once more, the Licence will be automatically terminated.

Proposed by Councillor McQuillan
Seconded by Councillor Wallace and

AGREED – to recommend that Council receive Independent outside Legal Advice, explore how Council can resolve the issues, exploring the potential for variation of licences.

Councillor McQuillan stated legal advice should be in person, in The Chamber.

31. ES FINANCIAL UPDATE - P11 MANAGEMENT ACCOUNTS

Confidential report, previously circulated.

Purpose of Report

The purpose of the report was to provide Members with information on the current financial position of Environmental Services Directorate at the end of Period 10.

32. ANY OTHER RELEVANT BUSINESS (NOTIFIED IN ACCORDANCE WITH STANDING ORDER 12 (O))

32.1 Vendor trading illegally (Councillor Wallace)

At one of our sites where we sold an ice cream, confectionery and cold drinks concession another vendor is trading. Can it be confirmed that this will be dealt with as soon as possible? Can it also be confirmed that one of our officers has visited the site and witnessed the illegal trader trading?

Councillor Wallace requested that the money the legally trading Trader had paid the previous year be refunded to him in this instance.

The Director of Environmental Services clarified that following the evidence, Legal correspondence had been issued to the trader regarding the site he was unauthorised to trade on.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor McLean
Seconded by Councillor Wallace and

AGREED – that Committee move 'In Public'.

*** Member of the Public was readmitted to the meeting.**

Councillor McQuillan raised Castlerock Footbridge had fallen off the Agenda.

The Director of Environmental Services advised there had been no movement from the Consultant and he would write for an update.

There being no further business the Chair thanked everyone for their attendance and the meeting concluded at 9.17pm.

Chair